

REGULAR CITY COUNCIL MEETING

MARCH 24, 1986

PRESENT

Ruth Hansen	Mayor
Craig Greathouse	Council Member
David Church	Council Member
Gayle Bunker	Council Member

ABSENT

Don Dafoe	Council Member
Neil Dutson	Council Member

OTHERS PRESENT

Jim Allan	City Manager
Dorothy Jeffery	City Recorder
Warren Peterson	City Attorney
Roger Young	Chief of Police
Rita Byrd	City Billing Clerk
Morris Burton	City Police Officer
Keith Griffiths	City Resident
Laurie Griffiths	City Resident
Mrs. Eric Gillen	City Resident
Linda Nielson	City Resident
Martin Ludwig	City Resident
Leola Tippetts	Charisma Enterprises
Thelo Tippetts	Charisma Enterprises
Linda T. Richards	Charisma Enterprises
James T. Richards	Charisma Enterprises
Quinn Bean	City Resident
Nolean Bean	City Resident

Mayor Ruth Hansen called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Hansen stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Public Hearing held March 10, 1986, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Craig Greathouse MOVED that the minutes be approved as presented. Council Member David Church SECONDED the

motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held March 10, 1986, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly and proposed corrections, after which Council Member Gayle Bunker MOVED that the minutes be approved as corrected. Council Member Craig Greathouse SECONDED the motion. Mayor Hansen asked if there were any further questions or comments regarding the minutes. There being none, she called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member David Church MOVED that the accounts payable be approved for payment, as listed, in the amount of \$13,309.91, also Attorney Warren Peterson's bill in the amount of \$2,771.02. Council Member Gayle Bunker SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

RICHARD K. FERGUSON: REQUEST FOR WATER RATE CHANGE FOR 20-UNIT APARTMENT COMPLEX

Mayor Hansen recognized Richard K. Ferguson and requested that he address the Council regarding his request for a water rate change for 20-unit apartment complex.

Mr. Ferguson requested that the water rate for a 20-unit apartment complex be lowered to a motel and hotel rate structure. He said that the apartments are operated basically the same as a motel. Mr. Ferguson said that as of December through February there was a 50% vacancy in the apartment complex and in March there was a 70% vacancy rate. Mr. Ferguson said that he is turning the apartments back to the original owner, but is interested in paying the amount owed and requested that the apartment rate be lowered to a motel rate.

Council Member David Church said that this item was discussed at the last City Council meeting held March 10, 1986, and Mr. Ferguson's request for the water rate change had then been denied.

Rita Byrd, Delta City Billing Clerk, said that she could not recall receiving a change of ownership or address notice at the time Mr. Ferguson bought the apartments; therefore, the water bills were sent to the wrong party allowing the outstanding amount to accumulate.

Mayor Hansen referred to Public Works Director Neil Forster's memorandum dated March 5, 1986, wherein Mr. Forster stated that Delta City has a policy of billing only for the number of units occupied and that this is determined by a phone call at billing time each month. The number occupied on that

date is considered the occupancy for the month. Mr. Forster also said that if Mr. Ferguson would provide the past records of occupancy, possible adjustments could be made from the time he assumed ownership in August.

Attorney Warren Peterson said that the apartment unit is licensed as an apartment complex, built as an apartment complex, built in an apartment zone, and it is not qualified as a motel. Under the present ordinance and the present resolution there is no option but to bill at the apartment rate unless the Council is interested in changing the ordinance and the resolution to accommodate each apartment unit in a similar fashion. "It is my opinion that the request has to be denied," he said.

Mayor Hansen said that there is a possibility for the past due bill to be adjusted to occupancy rate as recommended by the Public Works Department. Mr. Ferguson requested that he be allowed to make payment on the water bill for the apartment complex on a time basis. The Council was agreeable to payments be made on time for the 20-unit apartment complex.

CITY ATTORNEY WARREN PETERSON: CONSIDERATION OF ABANDONED VEHICLE AND UTAH TRAFFIC CODE ORDINANCE

Mayor Hansen asked Attorney Warren Peterson to review with the Council a proposed Abandoned Vehicle and Utah Traffic Code Ordinance.

Attorney Warren Peterson reviewed a proposed Abandoned Vehicle Ordinance in detail with the Council. The Council requested that the language of the ordinance be clearly defined so there is no question as to what action the police officers should take in enforcing this ordinance.

City Manager Jim Allan said that he would like this ordinance adopted prior to Delta City's Spring Clean-Up. He also said that he would like the Delta City employees to lead out in cleaning up their properties and removing or screening abandoned vehicles from public view.

Attorney Peterson said that he would have a draft ordinance available for a Public Hearing to be held on April 7, 1986.

Following further discussion, Council Member Gayle Bunker MOVED to hold a Public Hearing on Monday, April 7, 1986, at 6:30 p.m. to receive public comment on the proposed Abandoned Vehicle Ordinance. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CITY MANAGER JIM ALLAN: CONSIDERATION OF AMENDMENTS TO THE DELTA CITY PERSONNEL AND POLICY PROCEDURES MANUALS

Mayor Hansen asked City Manager Jim Allan to discuss with the Council amendments to the Delta City Personnel and Policy Procedures Manuals.

Mr. Allan briefly discussed the Delta City Personnel and Policy Procedures Manuals with the Council. He said that the main concern has been regarding personal use of City vehicles outside Delta City limits. Mr. Allan presented the following proposed revision:

C. OPERATION PROCEDURES

5. Personal Use

City vehicles are to be used for City business only and not for personal use. An exception to this policy is granted the Delta City Police Department. In order to maintain a high visibility of police protection within the incorporated area, police officers living within Delta are permitted to use their assigned vehicle within the City boundaries for both official and personal business. Police officers living outside the City may drive their assigned vehicles within the Delta City limits on personal business; however, these officers will be required to park their vehicles at the City office when going to and from their place of duty. Other City vehicles are not to be taken outside the City boundaries without department head approval. Only City personnel in the performance of their duties shall occupy City vehicles and/or use the City equipment. Elected officials and other City officers may occupy assigned vehicles when it involves City business.

Council Member David Church suggested that anyone involved in City business may occupy a City vehicle, rather than limit the use of City vehicles to elected officials and other City officers. The Council also discussed at length whether Section C.5. proposed by Mr. Allan should be rewritten to provide that no private use should be made of any City vehicles, especially by employees who do not reside within Delta City.

The Council then discussed preparation of a comprehensive policy for use of City vehicles based on additional manual provisions recommended by Mr. Allan. Attorney Peterson recommended that the Mayor, by executive order, may add to or delete from the Policy and Procedures Manual rather than bringing each item to the City Council for approval. It may be more effective, he said, for the Council to give guidelines and for the Mayor, from those guidelines, to set out rules to implement those guidelines through the Policy and Procedures Manual.

The Council discussed how this proposed policy regarding use of City vehicles would affect present practices and the personnel who might be affected. Mr. Allan noted that the only employee that would be immediately affected was Sgt. F. Kim Taylor of the police department, who lived in Hinckley and drove his police car to and from work and for other private use outside Delta City. The Council members debated whether such private use

outside Delta City accomplished the desired result of high visibility of police vehicles in Delta. The Council members, Police Chief Roger Young and City Attorney Peterson discussed the need for police supervisory personnel like Sgt. Taylor to have a properly equipped, emergency vehicle at their disposal at all times. Chief Young and Mr. Peterson strongly recommended that Police Department supervisory personnel have properly equipped emergency vehicles at all times they were on call.

A majority of the Council expressed the view that such personnel would respond to the police department in their private vehicle, then respond to a call from there in the City vehicle. This would prevent the use of the City vehicle outside Delta City. They also expressed the concern that all use of City vehicles outside the City limits should be prohibited.

Following further discussion, Council Member Gayle Bunker suggested that the Council compromise and charge \$.20 per mile or the going rate set by the State Legislature for use of City vehicles outside the City limits for commuting to and from work only.

Jim Allan said that the City can require compensation for private use of the City vehicles. Council Member Craig Greathouse recommended that for future use, a policy be established stating that supervisors be required to live within the City limits.

Following further discussion, Council Member Craig Greathouse MOVED to accept the proposed amendment to the Personnel and Policy Procedures Manuals as corrected to provide for mileage compensation for use of City vehicles outside the Delta City limits for commuting to and from work only, and to authorize Mayor Hansen to issue such amendments to the Policy and Procedures Manual by executive order as may be necessary to implement policies established by the City Council. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CITY ATTORNEY WARREN PETERSON: CONSIDERATION OF AN ORDINANCE VACATING A PORTION OF SECOND EAST STREET LYING BETWEEN BLOCKS 92 AND 93

Mayor Hansen requested that City Attorney Warren Peterson present the proposed ordinance vacating a portion of Second East Street lying between Blocks 92 and 93. Mr. Peterson presented the proposed ordinance entitled:

ORDINANCE NO. 86-99

AN ORDINANCE PROVIDING FOR VACATION OF A PORTION OF
SECOND EAST STREET LYING BETWEEN BLOCKS 92 AND 93, DELTA
TOWNSITE, PLAT "A" AND AUTHORIZING EXECUTION OF A
QUIT-CLAIM DEED CONVEYING SAID PROPERTY

Following a brief discussion of the proposed ordinance, Council Member Gayle Bunker MOVED to adopt proposed Ordinance 86-99. Council Member David Church

SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a roll call vote. The voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Gayle Bunker	Yes
Council Member David Church	Yes

Mayor Hansen then signed the ordinance and it was attested by City Recorder Dorothy Jeffery

JAMES T. RICHARDS: CONSIDERATION OF ZONE CHANGE REQUEST FROM COMMERCIAL BUSINESS TO LIGHT INDUSTRY

Mayor Hansen recognized James T. Richards of Charisma Enterprises and requested that he present his zone change request to the Council.

Mr. Richards said that their company name implies that they manufacture chemicals, but he said that they do not. He said they compound chemicals into laundry products.

Council Member Craig Greathouse said that the Planning and Zoning Commission recommended approval of the zone change and that a public hearing be set for the zone change request from Commercial Business to Light Industrial on the property described as follows:

Beginning at the Northeast corner of Lot 1, Block 56,
Plat A, Delta Townsite survey thence South 55 feet;
thence West 131 feet; thence North 55 feet; thence East
131 feet to the point of beginning.

Following further discussion, Council Member David Church MOVED to set a public hearing for the proposed zone change for April 21, 1986, at 6:45 p.m. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CHIEF OF POLICE ROGER YOUNG: CONSIDERATION OF --

- A. DESIGNATED SPEED LIMIT SIGNS IN DELTA CITY
- B. DESIGNATED THROUGH STREETS IN DELTA CITY
- C. DESIGNATED NO PARKING STREETS IN DELTA CITY
- D. WEIGHT LIMITATIONS ON STREETS IN DELTA CITY

Mayor Ruth Hansen asked Chief of Police Roger Young to discuss with the Council proposed locations for designated speed limit signs, through streets, no parking streets and weight limitations within Delta City. Chief Young said that he was not able to obtain all the necessary information to present the above items for discussion.

Council Member David Church MOVED to table the item until the next Regular City Council Meeting in order to obtain further information. Council Member

Craig Greathouse SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CHIEF OF POLICE ROGER YOUNG: CONSIDERATION OF PURCHASE OF ANIMAL CONTROL VEHICLE

Mayor Hansen requested that Chief Roger Young present his request for the purchase of an Animal Control Vehicle for the Police Department.

Chief Young presented and reviewed the following letter:

TO: Jim C. Allan, City Manager
FROM: Chief Roger J. Young
RE: Animal Control Vehicle
DATE: March 14, 1986

In the past several months since our department has taken over the animal control for Delta City, we have experienced a problem with the transporting of these animals.

We have discussed the idea of having a trailer to be used as an animal control vehicle. However, I have not been able to locate any trailer that would fulfill our needs. Also, I have asked for bids on the building of a trailer for this function and all parties contacted have failed to submit any type of bid for the trailer.

After reviewing the situation of having a trailer for animal control services, I can see some disadvantages to it.

1. The need to have all police vehicles equipped with bumper hitches and electrical hook-ups for towing.
2. A way to secure the trailer while being parked in the police parking lot to prevent it from being taken.
3. The difficulty in attempting to maneuver the trailer into restricted areas to pick-up or drop-off an animal.
4. The task of having to connect and disconnect the trailer and lights each time the vehicle is needed. The possibility of an officer's uniform being torn or soiled increased.
5. In the event an officer must respond to a call while performing an animal control function, he must either respond with the trailer attached to

his vehicle or try and locate some place where the trailer can be secured until he can return. In the case of an emergency response, this could be critical as time may be of the utmost importance.

At the present time, our officers are forced to place the animals that we pick up in our patrol vehicles. We have to place them in the rear passenger compartment and attempt to secure them with a rope so they can't get away. While the animal is there it has the opportunity to tear up the seats and upholstery as it attempts to get free. The muddy and dirty feet get the interior dirty and make it impossible to keep the vehicles clean. The animals also relieve their body functions in the vehicle which then makes the vehicle unsuitable for the officer to operate because of the smell.

Another point of view that could be critical is that if we should have a prisoner in the vehicle and this individual is allergic to animal hair, we may find ourselves in a legal issue because we carry animals in the passenger compartment of the vehicle. We have no way of knowing what kind of diseases that the animal may have and be transmitted to a prisoner. If we have to transport a rabid animal, then the officer is being placed into an unsafe environment as he has to attempt to drive the vehicle and monitor the animal so he is not bitten.

I feel that if our department is going to be actively engaged in the animal control business, then I feel that we need the proper equipment to do the job. I feel that we need a vehicle equipped to handle the animal control functions that we are doing.

My recommendation is that we purchase a small type pickup truck with an animal control insert that can be used by the officers. The vehicle would be equipped with a radio, which we already have in surplus, so the officer could stay in contact with the dispatcher. It would be equipped with a portable red light and a siren so that if an emergency should arise during the time the officer is on an animal control call, he would still be able to respond in a proper manner and handle the call. The vehicle would be parked in the police parking lot and secured as any other police vehicle would be. Each officer would have a key to the vehicle so he could respond immediately to an animal control call without having to hook-up a trailer and still keep a clean appearance. With the animal control vehicle we could place more than one animal in cages at one time, thus

saving time in transporting one animal at a time to the animal pound. With this vehicle available to us we could also implement a program of picking up stray animals on a periodic basis without having to fill up the patrol vehicle with animals.

I have contacted two of our car dealers in town to solicit bids from them on the cost of a small pickup type truck with an animal control insert on it. There are copies of the bids attached to this letter to you for your review. I would appreciate your comments and I would like to be placed on the next City Council Meeting agenda to present this to the Council.

There was money approved in my budget this year for a new police vehicle. I feel that we need a vehicle in which we can perform our animal control function and with the money in the budget I would like to obtain this vehicle in this budget year and as soon as possible.

I will be awaiting your comments and recommendation.

Respectfully,

Roger J. Young
Chief of Police

Chief Young reported that bids had been received from Sahara Chrysler and Dalton Motor Company for a small pickup truck as specified. The apparent low bidder was Sahara Chrysler. Kirk Lewis, representing Sahara Chrysler, was present at the meeting and responded to questions.

Following further discussion, Council Member Gayle Bunker MOVED to approve the bid to purchase a Dodge D-50 Truck with a shell to be used for an Animal Control Vehicle from Sahara Chrysler in the amount of \$6,539. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

PARKS & RECREATION DIRECTOR, MAX WOOD: CONSIDERATION OF BID AWARD FOR WHITE SAGE REMODELING JOB

Mayor Hansen asked Parks and Recreation Director Max Wood to review with the Council a bid award for the restroom remodeling project at the White Sage Regional Park.

Max Wood presented the minutes of a Bid Opening held 21 March, 1986 where Dave Houston, of Houston Construction was the lower bidder for the remodeling project in the amount of \$3,335. Mr. Wood reviewed the bid specifications and plans for the proposed remodeling project.

Council Member Craig Greathouse said that he supported the project and feels that it is necessary, but he said that Council's approval of the project should have been given before the project was opened for bid.

Council Member Gayle Bunker raised some questions regarding the remodeling plans and said that he would like to go out to the Regional Park and view the proposed remodeling project before any action is taken.

Following a brief discussion, Council Member Gayle Bunker MOVED to table this issue for additional review until the next Regular City Council Meeting. Council Member David Church SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

COUNCIL MEMBER CRAIG GREATHOUSE: CONSIDERATION OF PROPOSED MANUFACTURED HOUSING ORDINANCE

Mayor Hansen asked Council Member Craig Greathouse to review with the Council a proposed Manufactured Housing Ordinance as recommended to the City Council by the Planning Commission.

Council Member Greathouse reviewed the proposed Manufactured Housing Ordinance in detail and made some corrections. Attorney Warren Peterson recommended that the Manufactured Housing be included as a section in the proposed zoning ordinance.

City Manager Jim Allan asked if the City Zoning Map should be adopted. He said that the present zoning map being used is unofficial, as the official map has been lost.

Following a brief discussion, Council Member Craig Greathouse MOVED to hold a public hearing April 21, 1986, at 6:45 p.m. to consider a final draft and adoption of the proposed comprehensive amendments to the Zoning Ordinance, incorporating the proposed manufactured housing ordinance. The motion was SECONDED by Council Member David Church.

MAYOR RUTH HANSEN: APPOINTMENT OF JUSTICE OF THE PEACE PRO TEMPORE

Mayor Hansen recommended that Ron Hare be appointed as Justice of the Peace Pro Tempore until a replacement is appointed for the former Justice of the Peace, Stanley Robison.

Mayor Hansen said that she has talked with Ron Hare and he has consented to handle all Delta City Justice of the Peace duties until a replacement is appointed. Mr. Hare has requested that he be paid \$350.00 per month, plus \$.20 per mile for travel expense to and from Delta.

Following a brief discussion, Council Member Craig Greathouse MOVED to appoint Ron Hare as Justice of the Peace Pro Tempore for the time frame needed at \$350 per month, plus \$.20 per mile. Council Member Gayle Bunker

SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

CITY ATTORNEY WARREN PETERSON: CONSIDERATION OF CANDIDATES FOR DELTA CITY JUSTICE OF THE PEACE

Mayor Hansen asked Attorney Warren Peterson to review with the Council candidates for Delta City Justice of the Peace.

Attorney Peterson said that the Delta City Justice of the Peace is required to be a resident of Delta City. However, there can be a contract with the Justice of the Peace of another City or of the County precinct that includes the City.

Mayor Hansen recognized Linda Nielson, Justice of the Peace applicant, and asked her to review with the Council her qualifications for the position.

Mrs. Nielson presented a letter and resume to the Council for their review and consideration. Following a brief discussion of her qualifications, Mrs. Nielson thanked the Council for their time and consideration regarding her application.

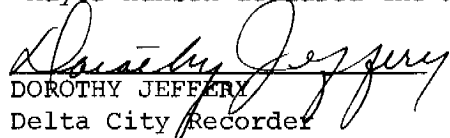
Attorney Peterson recommended that the Council meet in a closed session to discuss the candidates for Delta City Justice of the Peace.

Following discussion of candidates for Justice of the Peace, Council Member David Church MOVED to adjourn into closed session to discuss the qualifications of the candidates for appointment to Delta City Justice of the Peace. Council Member Craig Greathouse SECONDED the motion. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

Following discussion of the qualifications of the candidates for appointment to Delta City Justice of the Peace, Council member Craig Greathouse MOVED to return to open session. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen asked if there were any further comments or questions regarding the motion. There being none, she called for a vote. The motion passed unanimously.

The Council then reconvened in the regular City Council Meeting and Mayor Ruth Hansen asked if there were any further comments or questions or items to be discussed. There being none, Council Member David Church MOVED to adjourn the meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Hansen declared the meeting adjourned at 10:30 p.m.

ATTEST:


DOROTHY JEFFERY
Delta City Recorder


RUTH HANSEN, Mayor